



OD-31

IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

IA NO. GA/1/2024
In PLA/141/2015

IN THE GOODS OF :
AJIT KUMAR BRAHMACHARI (DECEASED)

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date : 2nd August, 2024.

Appearance:

Ms. Dipika Banu, Adv.
Mr. S. K. Sharma, Adv.
Ms. Bolivia Roy, Adv.
..for the petitioner.

The Court:- This is an application for restoration of application for grant of probate being PLA/141/2015.

Ms. Dipika Banu, learned Advocate for the petitioner submits that the erstwhile advocate-on-record did not take appropriate steps and also failed to appear when the matter was taken up by the Hon'ble Court on 22nd November, 2022 and 16th December, 2022 thereby resulting in dismissal of the application. She further indicates that after such dismissal, the applicant propounder was also not informed of such fact of dismissal, by his advocate-on-record, which led to delay in filing of the restoration application. She seeks for restoration of the application upon condonation of delay.

Upon going through the application seeking restoration, it is found that on several occasions, the applicant propounder intimated the learned advocate-on-record to take necessary steps for hearing of the matter, but there was no progress. Since the propounder was not aware, steps could not be taken



for restoration. The cause shown in sufficient to condonation the delay of 551 days in filing the application.

Let there be an order in terms of prayer (a) of the Master's Summons.

In the aforesaid backdrop, the order of dismissal dated 16th December, 2022 is recalled and the application being PLA/141/2015 is restored to its original file and number.

Let there be an order in terms of prayer (b) of the Master's Summons.

GA/1/2024 stands disposed of.

(BIVAS PATTANAYAK, J.)